

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LUCAS ENTERTAINMENT, INC.,	§	
A NEW YORK CORPORATION,	§	
PLAINTIFF,	§	
	§	
VS.	§	
	§	
DOES 1-185	§	C.A. NO.: 3:10-cv-01537-B
	§	
DEFENDANTS.	§	

**PLAINTIFF’S MOTION TO COMPEL PRODUCTION OF RECORDS
FOR ANONYMOUS JOHN DOE DEFENDANT #173**

I. ONLY THE ISSUING COURT MAY QUASH A SUBPOENA

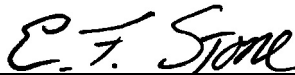
1. On August 24, 2010, Plaintiff served nonparty internet service provider Comcast Communications with a subpoena commanding the production of records embodying the contact information of John Doe Defendant #173 and numerous other defendants. This subpoena was issued pursuant to an Order by this Court [Docket No. 9] and bore a deadline date of October 8, 2010, which has now passed. The subpoena was issued through Plaintiff’s attorney, acting as officer of this Court under Rule 45(a)(3)(A) of the Federal Rules of Civil Procedure. These facts are not in dispute.

2. Defendant #173 has since filed a Motion to Quash Plaintiff’s subpoena in the Northern District of Georgia, Atlanta Division, and notified Comcast of the filing. As such, Comcast has withheld the defendant’s records from Plaintiff until it is satisfied that the Motion has been denied or otherwise ruled upon in Plaintiff’s favor.

3. Plaintiff asserts that no ruling is necessary from the Atlanta Court because the Atlanta

Court does not have the authority to quash a subpoena issued by this Court. The Federal Rules clearly state that it is the “issuing court” that can quash or modify a subpoena. Fed. R. Civ. P. 45(c)(3)(A). Since the subpoena in question was issued by this Court, through an authorized officer of the Court, it can only be quashed or modified by *this* Court. Therefore, Plaintiff respectfully moves the Court to compel Comcast to produce the records of Defendant #173, as commanded in Plaintiff’s subpoena of August 24, 2010.

Respectfully Submitted,

s/ 

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